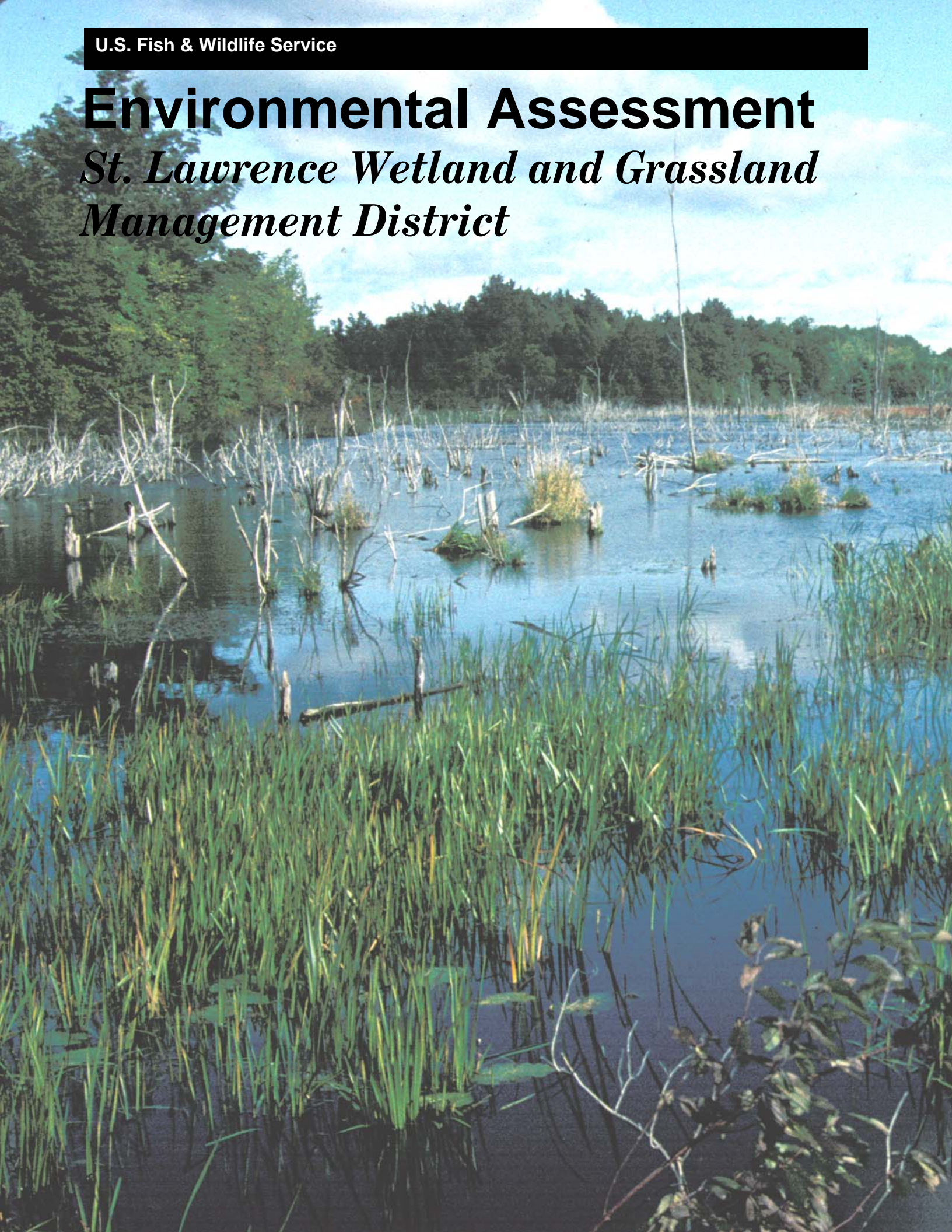


Environmental Assessment

St. Lawrence Wetland and Grassland Management District





Environmental Assessment for the St. Lawrence Wetland & Grassland Management District

July 2006

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*Cover Photo
Tom Jasikoff, USFWS, BOLAND CREEK*

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Chapter 1—Purpose and Need for Action

Proposal

The U.S. Fish and Wildlife Service (Service, we, our) proposes to use easements and Waterfowl Production Areas (WPA), to provide long-term protection for important habitat areas relied upon by waterfowl within a focus area of high habitat value in the St. Lawrence Wetland and Grassland Management District and Jefferson County, New York (see figure 1).

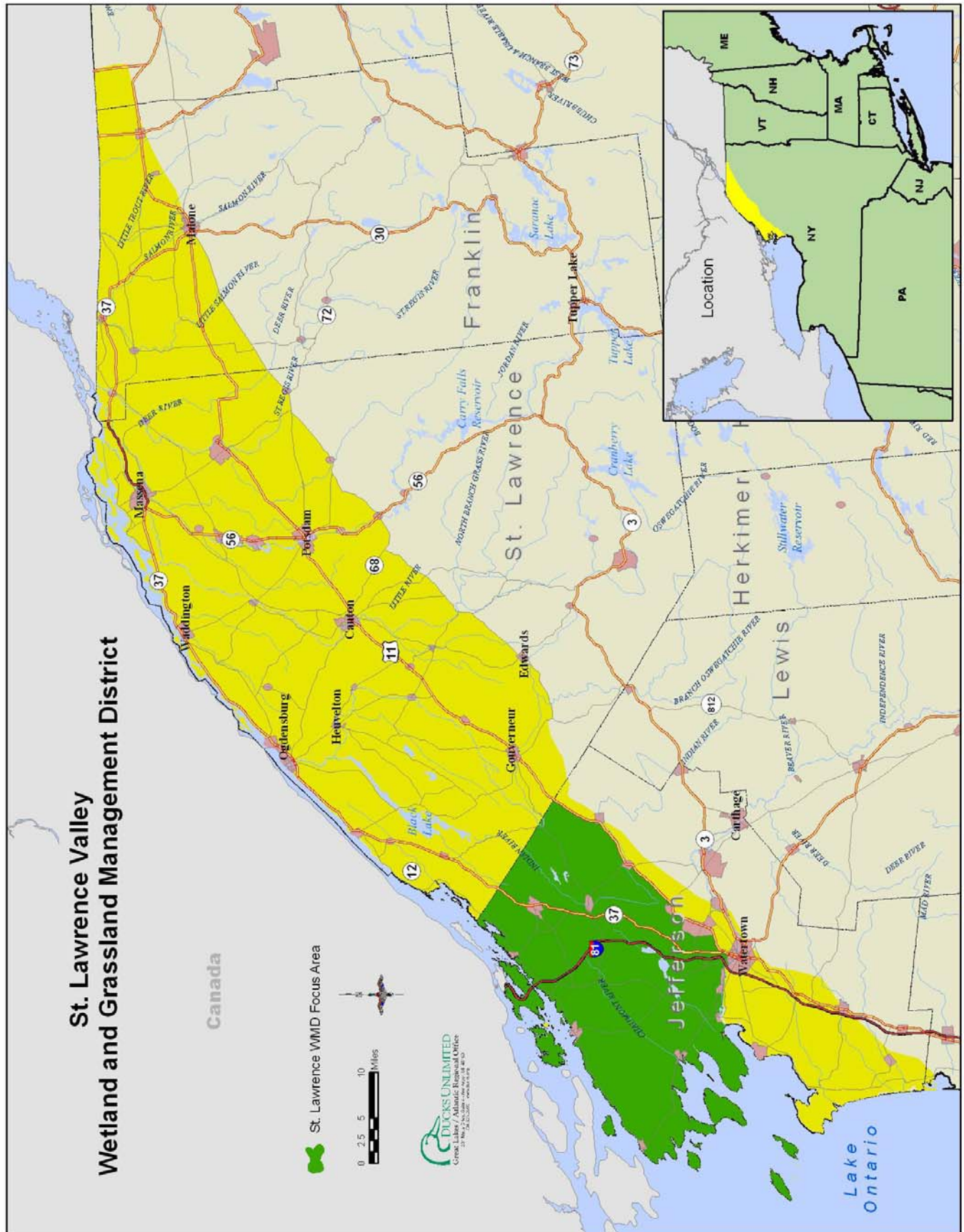


Scenic view of St. Lawrence Valley shows agricultural areas, grasslands and wetlands—prime habitat for waterfowl and other wildlife, USFWS

The Service, other state and federal agencies, and various conservation organizations are part of a multi-faceted, ongoing effort to restore and conserve the wetland and grassland habitat of the St. Lawrence Valley. We have taken important conservation steps to accomplish that task, but work remains. Of particular importance is the need for the long-term protection and management of the habitat that is so important to waterfowl and grassland-nesting species. For that reason, we propose to expand the Service conservation program in the valley.

Specifically, we seek the authority to use the Small Wetland Acquisition Program (SWAP) to provide permanent federal protection for priority wetland and grassland habitat totaling 8,000 acres within our proposed focus area.

Figure 1. St. Lawrence Valley Wetland and Grassland Management District



Obtaining that authority will enable us to

1. Work with willing private landowners in purchasing wetland and grassland easements totaling about 6,400 acres (80 percent of the 8,000-acre total).

Note: Easement lands remain in private ownership, and are not subject to public recreation.

2. Work with willing private landowners and associated towns in acquiring, through fee-title purchase, about 1,600 acres (20 percent of the 8,000-acre total) identified as priority habitat, and designating them as WPAs.

Note: The fee-title WPAs will be open for wildlife-dependent public recreation, including hunting and fishing, where appropriate. Fee-title transactions between willing landowners and the Service will include parcel-by-parcel approval by town officials, allowing local guidance of the process.

3. Manage the wetlands for high-quality waterfowl migration and brood rearing habitat for species such as mallards. Manage the grasslands for nesting waterfowl and other grassland-nesting bird species such as the Henslow's sparrow, bobolink, eastern meadowlark and short-eared owl.

We also understand the importance of agriculture to the region. For that reason, our focus area excludes the largest Agricultural Districts in Jefferson County. Instead, our proposal focuses on non-agricultural lands and marginal agricultural lands, including abandoned or fallow fields, which are recognized for their restoration potential and habitat value for migratory birds.

Background

The Service is the nation's principal conservation agency concerned with the protection and long-term management of wildlife resources. One of our priorities is the status of migratory birds in North America, particularly federal "trust species" identified by the Migratory Bird Treaty Act of 1918: waterfowl, wading and shorebirds, raptors, and Neotropical migratory birds.

The loss of wetland and adjacent upland habitat stemming from the Dust Bowl of the 1930s raised concern among conservationists about decreasing continental waterfowl populations. The prolonged drought devastated breeding, nesting, and brood-rearing habitat in the prairie pothole region of Canada and the United States.



McCarlson WPA was the first in the nation, made possible largely through the amendment of the Duck Stamp Act, USFWS

Congress reacted to that loss by passing the Migratory Bird Conservation and Hunting Stamp Act of 1934, often known as the Duck Stamp Act. The act requires hunters to purchase a Duck Stamp before they hunt migratory waterfowl and other migratory game birds. Although the original act did not allow purchase of small wetlands, it created a way for hunters to participate in restoring and maintaining waterfowl habitats with Duck Stamp revenue. Congress amended the act in 1958, making it possible for the Service to buy small wetlands and uplands for breeding waterfowl and hunting. The acquired wetlands were designated WPAs, and formed the core of wetland management districts (WMD). Those districts are the federal administrative units responsible for acquiring, overseeing and managing the easements and WPAs in each focus area.



The McCarlson WPA, purchased in 1959 in Day County, South Dakota, was the first WPA in the nation. The Small Wetlands Acquisition Program (SWAP) began in 1962, following the 1958 amendment of the Duck Stamp Act. That same year, the Service entered into a procedural agreement with the State of Minnesota. That

agreement laid out the rules for the purchase of wetlands following the Wetland Loan Act of 1961 (Fergus Falls Wetland Management District Draft CCP), and resulted in the purchase of WPAs throughout Minnesota. Today, there are more than 3,000 WPAs in the United States, primarily in its prairie pothole region. Although we have established WPAs primarily in the north central United States, the precedent has been set for establishing them outside that region as well, in Maine, Michigan and Idaho.

The valley is well suited to this program for waterfowl conservation. Abundant, diverse wetland resources, interspersed with dairy-based agricultural grasslands that support significant populations of waterfowl and grassland-nesting birds as well as other migratory bird groups, fish, and associated wildlife, characterize the area. It is an important part of the Atlantic Flyway, with prairie-pothole-like topography ideal for wetland restoration and grassland maintenance.

The valley's value for waterfowl, grassland-nesting birds and other bird groups is well documented. The North American Waterfowl Management Plan of 1986 designated the Lower Great Lakes—St. Lawrence Basin, including the valley, as one of the first 34 waterfowl habitat areas of major concern in North America (NAWMP 1986). The valley provides nesting and migrating habitat for a number of waterfowl species: mallard, American black duck, wood duck, green-winged teal, northern pintail and Canada goose (Northern Ecological Associates, Inc., 1994). It also supports the highest density of breeding mallards in the Atlantic Flyway, with a population of nearly 15,000 breeding pairs (Losito 1993, Northern Ecological Associates, Inc., 1994).

Three additional continental management plans list parts of the valley, including Jefferson County, as priority areas for migratory birds: Partners in Flight (PIF), established in 1990; U.S. Shorebird Conservation Plan (2001); and the North American Waterbird Conservation Plan (2002). The PIF Northeast Grassland Bird Working Group identified the valley as a high priority area for its major contribution to obligate grassland-breeding bird species (Rosenberg 2001). The fact that 17 percent of the global population of

bobolinks nests in the region further underscores the importance of the area's grassland habitat (Wells 2000, Bolsinger, et al. undated).

The North American Bird Conservation Initiative was established in 1998 to ensure the long-term health of North America's native bird populations. That initiative brought the idea of "All Bird" planning and management to the forefront of bird conservation efforts. NABCI delineated Bird Conservation Regions (BCRs) throughout Canada, the United States and Mexico to identify similar ecological regions and focus management attention within recognizable geographic and vegetative provinces. Many bird groups use those regions during various phases of their lifecycles.

The valley lies in the Lower Great Lakes—St. Lawrence Valley Bird Conservation Region (BCR 13), and is designated one of the three most important focal regions in that four-state, two-province BCR. It encompasses designated priority areas for all four bird groups, each with a separate conservation planning initiative (Hayes, et al. 2004; Lower Great Lakes/St. Lawrence Plain Bird Conservation Initiative Implementation Team, undated). A trial "All Birds" project on 144 acres in Jefferson County was developed in 2002 between the Natural Resources Conservation Service (NRCS), Ducks Unlimited (DU), the Service, the Audubon Society and the New York Department of Environmental Conservation (DEC). That project, completed in 2003, highlights the benefits of a well-designed project on a protected and managed site for waterfowl and grassland-nesting birds as well as shorebirds, raptors and other bird groups.

The NYDEC released its Draft New York State Open Space Conservation Plan in 2005. That draft plan, focusing on grassland and wetland habitat, lists the valley as an important area. The draft plan's list of priority projects includes the "St. Lawrence River Islands, Shorelines and Wetlands." The draft plan recommends that conservation priority be given to lands adjacent to state parks as well as undeveloped islands and shoals, large tracts of forest, grassland and wetland habitat adjacent to tributaries of the St. Lawrence River. It also notes that little land on or near the river is in public ownership. The draft plan states "Different land strategies may be required including but

not limited to fee ownership and conservation easements accomplished by one or more parties.”

NYDEC’s Draft New York State Comprehensive Wildlife Conservation Strategy also stresses the importance of the valley, its wetland and grassland habitat, and the importance of those habitats to the diverse collection of birds that migrate through and nest in the region, including waterfowl and grassland-nesting birds

The Service has been an active partner in the valley for more than 15 years. Service biologists conducted biological reconnaissance, resource analysis and realty ascertainment activities in the valley during the late 1980s to document the value of the region and consider the feasibility of establishing a new national wildlife refuge there. Field studies determined that the area’s freshwater wetland habitat and extensive grassland acreage support large breeding and migratory populations of waterfowl and grassland birds (Northern Ecological Associates, Inc., 1995). We started planning to establish a national wildlife refuge in 1990. Although we withdrew that proposal in 1992, we maintained our commitment to conserve the area’s valuable wetlands and grasslands by working with private landowners and other conservation organizations through our private lands program, Partners for Fish and Wildlife (PFW).



PFW project on private land showing wetland restoration BEFORE and AFTER, USFWS

In 1997, the Service established the St. Lawrence Wetland and Grassland Management District in Richville, New York. The establishment of that office enabled full-time staffing support and program implementation for the area, but did not enable WPAs or conservation easements.

Partners for Fish and Wildlife Program

Voluntary Habitat Restoration on Private Lands

The U.S. Fish and Wildlife Service Partners for Fish and Wildlife Program (PFW) is a voluntary partnership program that helps private landowners restore wetlands and other important habitats on their own lands. For more than 15 years, PFW has been providing financial and technical assistance to private landowners through voluntary cooperative agreements.

The program emphasizes the restoration of degraded wetlands, native grasslands, streams, riparian areas and other habitats to conditions close to natural. Our philosophy is to work proactively with private landowners for the mutual benefit of declining federal trust species and the interests involved.

Usually, working with landowners and a host of nationally based and local entities achieves a dollar-for-dollar cost share. Landowners sign an agreement to retain the restoration projects for the life of the agreement (at least 10 years) and otherwise retain full control of their land.

Our mission in the valley is to restore wetland and grassland habitat for the long-term presence and production of migratory birds for the benefit of wildlife and people. Our primary tool in implementing that mission has been the voluntary PFW program. More than 300 partnerships on 350 wetland and grassland habitat restoration sites totaling 5,250 acres have been established over the last 15 years. The Service also manages three FmHA transfer properties totaling 1,000 acres, which it owns in fee-title, and 19 wetland easements totaling 1,125 acres.

Public outreach has also been an important part of our efforts in the valley, and has resulted in increased public understanding and trust of Service programs. Equally important has been our ability form partnerships with other agencies and organizations, such as the NRCS, an agency of the U.S. Department of Agriculture, and Ducks Unlimited, a not-for-profit organization whose mission is to restore, manage and protect wetland habitat.

Those partnerships have expanded and improved the efficacy of our collective conservation in the valley.

Need for Action

The valley's contribution to bird conservation in North America, coupled with a number of sociological and land use trends, underscores the need for action. The challenging economy for dairy farms in northern New York has led to a loss of small, operating dairies and an increase in large, corporate farms. That shift has brought with it a change in farming patterns in the valley resulting in the loss of grassland habitat. The intensive farming practices corporate dairies require are leading to the conversion of acres of significant grassland to cornfields.

Jefferson County experienced a 26-percent increase in its population between 1980 and 1990. That was the highest growth rate of any county in New York during that time (Jefferson County Agricultural and Farmland Protection Plan 2002). Although the growth rate slowed in the 1990s, the county population totaled 111,738 in 2000, a small increase over the 110,943 in 1990. A recent move to increase the number of troops stationed at the Ft. Drum Military Base has boosted the county's population. The increased number of troops stationed in the area is expected to continue for some time, increasing the need for additional housing in the area (personal communication, Peter Gibbs). Internet access has increased the ability of people throughout the country to shop for inexpensive land for second homes and hunting camps; they are finding it in the valley. The slow but steady growth of river and lake communities is also increasing the pressure to develop nearby rural lands.

Small, isolated wetlands are an important part of the wetland complexes in the valley. They are particularly important in the spring, when waterfowl and shorebirds are pairing and migrating through the region. In New York, the DEC regulates wetlands of 12.4 acres and larger, while the U.S. Army Corps of Engineers regulates wetlands less than 12.4 acres. The ruling of the U.S. Supreme Court in "Solid Waste Agency of Northern Cook County v. USACE," 539 U.S. 159 (2001) (SWANCC) limits the jurisdiction of the USACE

in protecting isolated wetlands to only those adjacent to navigable waters. As a result, many non-adjacent wetlands face a greater threat of filling, leveling or draining.

Those pressures, added together, threaten the long-term presence of high-quality wetland and grassland habitat. Recognizing the land development pressures on this area, current efforts to conserve important habitat through 10- and 15-year conservation agreements, while helpful, will not afford the long-term protection and management that those lands need, thereby jeopardizing their habitat for the birds that depend so heavily upon for their existence. Waterfowl and other bird populations could suffer as a result.

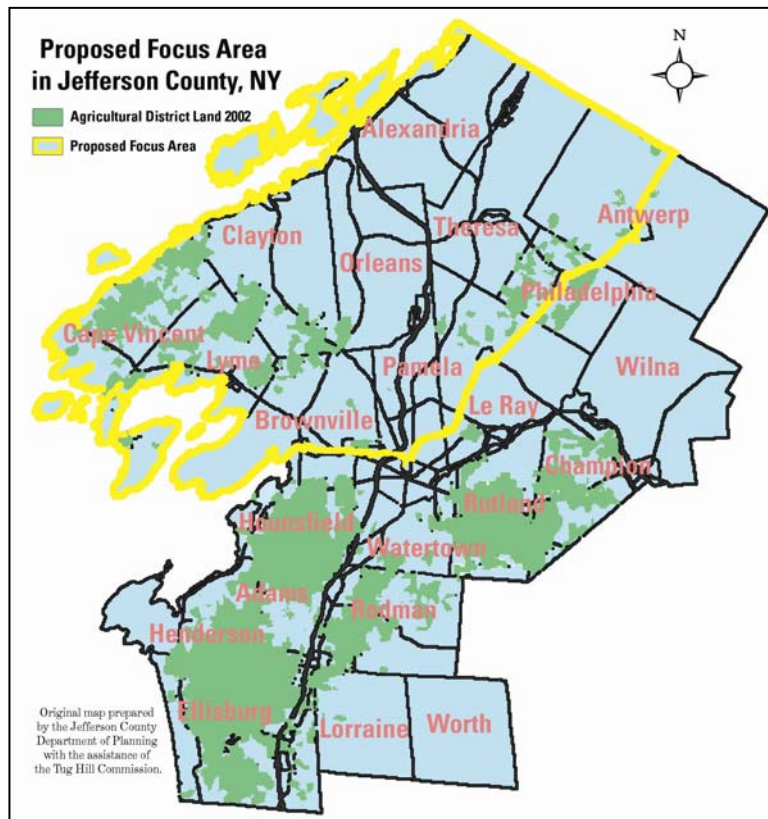
Focus Area Location

The valley, located in north central New York, covers 2,000 sq. miles, and encompasses parts of Jefferson, St. Lawrence and Franklin counties. The valley contains more than 150,000 acres of diverse wetland and more than 350,000 acres if grassland.

Our proposed focus area lies in Jefferson County (figure 2). The Jefferson /St. Lawrence county

line marks its northern boundary. The county line intersection with the U.S./Canada border in the St. Lawrence River marks the northern end of the western leg of the focus area, which runs south to a line off Tibbetts Point. The southern boundary runs from the U.S./Canada border east to Tibbetts Point, following the shoreline to the Village of Dexter. Then it continues east

Figure 2. Proposed Focus Area



along the Black River to Watertown, where it intersects with State Route 11. That marks the southernmost point of the eastern leg of the boundary, which continues north to intersect with State Route 11 and the Jefferson/St. Lawrence county line.

Grenadier and Fox Island are part of the focus area, as are many islands and coastal wetlands located in the stretch of the St. Lawrence River in Jefferson County. Seven of eight New York State wildlife management areas located in Jefferson County fall within the focus area. The New York Department of State also identifies and maps 22 significant coastal fish and wildlife habitats in Jefferson County. Those highlight the importance of the coastal zone and shoreline habitats for a host of migrating and breeding waterfowl, threatened species such as Blanding's turtle, and many other fish and wildlife species, as a part of the New York Coastal Zone Management Program (figures 3 and 4).

The Nature Conservancy and The Nature Conservancy of Canada have identified lands and waters critical for the conservation of biodiversity in the Great Lakes Region (TNC 2006). Included on that list are seven areas within our focus area: namely, Point Peninsula, Jefferson County Alvars, Chaumont/Black River Bay Complex, Glen Park Cove, Indian River Lakes, Thousand Islands and Western St. Lawrence Coastal Wetlands.

Overview of the National Wildlife Refuge System

The mission of the National Wildlife Refuge System is to preserve a national network of lands and waters for the conservation, management and, where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. We would manage any lands we acquire as part of this proposal as part of the Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge Improvement Act of 1997, and other relevant legislation, executive orders, regulations, and policies. The conservation of additional wildlife habitat in the valley would also continue to support, where possible, the following migratory bird conservation management plans and reports.

- **North American Waterfowl Management Plan (USFWS 1994)**
- **Migratory Non-game Birds of Management Concern in the U.S. (USFWS 1995)**
- **Partners In Flight – Landbirds**
- **U.S. & Canadian Shorebird Conservation Plans – Shorebirds**
- **North American Waterbird Conservation Plan – Waterbirds (Colonial wading birds, rails, grebes)**

[illegible]

Important/Significant Areas in the St. Lawrence WMD Focus Area

The map displays the St. Lawrence Watershed Management District (WMD) Focus Area, highlighting various important and significant regions. The legend identifies the following categories:

- Agricultural Districts:** Represented by brown shaded areas.
- DEC Regulated Wetlands:** Represented by blue shaded areas.
- Significant Coastal Habitat:** Represented by green shaded areas.
- Important Bird Areas:** Represented by yellow shaded areas.
- Bald Eagle Priority Area:** Represented by red shaded areas.
- City:** Represented by a red square symbol.

Key locations and features shown on the map include:

- Cities:** La Fargeville, Clayton, Chatham, and others.
- Water Bodies:** Lake Ontario, Chatham Bay, Clayton Bay, and others.
- Infrastructure:** Highway 87, Highway 11, and Highway 3.
- Other Features:** Various islands and coastal areas.

A scale bar and north arrow are provided in the bottom right corner for reference.

Chapter 2—Alternatives

To fulfill the purposes and intent of the National Environmental Policy Act, we must consider a range of reasonable alternatives before implementing any proposed action. These alternatives include protection approaches based on existing regulations, varying degrees of federal protection (Service acquisition) and



Wetland and grassland restoration here shows prime habitat for nesting waterfowl such as mallards, USFWS

protection by state or private agencies. NEPA also requires a “No-action” alternative: one that describes current conditions, and against which we can compare other proposals. This environmental assessment and our conceptual management plan describe our proposal for acquiring and managing easements and WPAs. We developed these alternatives after we considered the input we received from various sources, including the New York DEC.

Alternative 1

No Action: Following the present conservation action path

The Partners for Wildlife Program would continue as our primary tool for the restoration, enhancement and short-term preservation of wetland habitat and associated upland habitat. The Service would continue to build upon its private lands accomplishments in Jefferson County: 3,345 wetland and upland acres restored on 136 sites and 72 participating landowners committing to 10-year conservation agreements with the Service. The Service would not receive the authority to establish permanent easements or WPAs in Jefferson County.

Service Activities

The PFW program would not manage projects or provide the long-term protection needed to ensure the presence of high quality habitat for waterfowl and other birds passing through or nesting in the valley. The program is a one-time habitat restoration program, unless project degradation or failure is attributable to the faulty installation of water control structures or berms. Landowners are responsible for the long-term management of PFW projects on their property: mowing, dealing with any encroachment by invasive vegetation such as purple loosestrife, and any other maintenance activity associated with the project.

Based on the average number of acres restored in the past, we estimate that we could restore about 750 acres of valuable habitat during the next 5 years. Additional acres restored through the PFW program could be lost to development or farming, as could present projects: if participating landowners choose not to re-enroll in the program, the Service has no long-term protection option available for willing, interested landowners. However, we are making every effort to extend our agreements with landowners upon the expiration of their existing agreements. To date, re-enrollment is about 90 percent. In addition, some PFW projects are partnership projects with the NRCS through the Wetland Reserve Program, and provide some long-term protection through 30-year easements.

Wetland Protection

The Service would rely on state, federal and local laws and regulations to protect wetland habitat in our proposed focus area. The DEC regulates wetlands of 12.4 acres and larger in New York, providing the protection of larger wetlands. The DEC wetlands law (article 24) also includes a 100-foot buffer around a designated wetland that is not shown on state wetland maps.

In the past, the ACOE regulated all wetlands (including those smaller than 12.4 acres) regardless of size, as long as a connection between the wetlands and interstate commerce could be established; that could include the documented use of wetlands by migratory birds. However, in the SWANCC case of 2001, the United States Supreme Court held that the Clean Water Act

(CWA) does not extend federal regulatory coverage to wetlands not adjacent to navigable waters, thus limiting federal authority of the CWA to regulate certain isolated wetlands.

A percentage of the wetlands targeted by this proposal for protection and restoration would not be protected by DEC regulations (because of their small size), nor protected by the Federal CWA regulations, because they are isolated from direct surface connection to other waters. This leaves an important component of the valley wetland system, particularly sheetwater wetlands, vulnerable to development or land leveling.

Sheetwater wetlands are temporary, isolated pools formed in depressions in fields; typically, each covers less than 12.4 acres. Those seasonal pools provide the first open water of the spring and, in turn, provide early migrating waterfowl and shorebirds important sources of high protein food. That food supplies them the energy to finish their migration north and begin nesting. Our current inability to use easements or WPAs to protect such sites leaves them vulnerable to development.

Alternative 2

Long-Term Protection: Our Proposed Action Alternative

We propose to purchase permanent easements and lands in fee title for designation as WPAs in the Jefferson County focus area. That expanded conservation will benefit trust species through the long-term protection and management of priority wetland and grassland habitat. In concert with acquiring the fee-title WPAs and conservation easements, we also seek to expand funding to approximately \$200,000 per year for the Partners for Fish and Wildlife Program in the valley, to better meet private landowner and conservation demands for habitat restoration. That increase in funding will require an increase in the Service budget. It may be necessary to phase in the increase over 2 years.

Once fully implemented, we expect to devote 50 percent of the new funding support to restoration fieldwork and 50 percent to coordinate activities and offer critical expertise and partnership cost-sharing support. Using the WPAs and conservation easements in combination with the PFW restoration will enable the Service, our partners and landowners highly diverse, effective means for protecting migratory bird habitats.

This proposal calls for protecting up to 8,000 acres in Jefferson County using both wetland and grassland easements and land acquisition in fee title for

What is a Waterfowl Production Area vs. an Easement?

WPAs are small tracts of land purchased by the U.S. Fish and Wildlife Service to preserve wetlands and grasslands critical for waterfowl and other wildlife. These public lands are not national wildlife refuges, although they were included in the NWRs in 1966 by the NWR Administration Act.

By regulation, WPAs are open for hunting, fishing, and trapping in accordance with state laws. Other important wildlife-dependent uses allowed include wildlife observation, photography, and environmental education, whereas national wildlife refuges are closed to such public uses until specifically “opened” by the refuge manager.

Wetland Management District staffs of 2 to 12 people manage WPAs. WMD staffs also manage grassland and wetland easements, which are legal agreements between landowners and a land trust, or government agency that permanently limits certain land uses, like road construction, to protect the land’s habitat value. Other uses, such as farming, forestry, hunting and fishing could continue when they are consistent with conservation goals. Unlike WPAs, conservation easements stay in private ownership.

To date, nearly 3,000 WPAs preserve more than 668,000 acres of wetland and grassland habitat nationwide and nearly 800,000 people visit WPAs each year.

WPAs. This alternative would protect about 6,000 acres, or 80 percent of the total using permanent easements on wetlands and grasslands, and acquire 2,000 acres in fee title, or 20 percent of the total, for designation as WPAs. The 8,000 acres we propose for this project represent 1 percent of all the land in Jefferson County and about 10 percent of its grassland.

The 8,000-acre goal will allow us to strengthen the benefits derived from existing protected lands by increasing connectivity between those properties and developing buffers around them. Those lands include state wildlife management areas, easements and lands held by land trusts and NRCS. Although we have set these goals, landowner preference and town approval will guide the program and, ultimately, influence the final proportion of easement to fee title ownership.

We will not remove prime farmland from production. The boundary of our proposed focus area excludes most of the prime, active farmland concentrated in Agricultural Districts (AD). Ample acreage eligible for wetland and grassland restoration and long-term protection and management lies abandoned or retired from agriculture outside the ADs. That acreage provides a unique opportunity to protect and restore high quality habitat for wildlife while avoiding the high quality farmland in Jefferson County. The proposed boundary targets predominantly marginal farmland and transitional habitat for easement and WPA acquisition.

Easements—what are they and how do they work?

Wetland and grassland easements represent the largest component of this conservation proposal. Easements are non-possessory interests in real property purchased and held by a named organization or agency—in this case, the U.S. Fish and Wildlife Service. The organization or agency, as a part of an easement, negotiates land use restrictions or affirmative obligations with the purpose of restoring or protecting the property’s natural or scenic values. Through easements, the Service pays private landowners to protect wetlands and grasslands permanently on their property, and purchases certain development rights. Wetlands protected by easements cannot be drained, filled, leveled or burned. If any of these wetlands dry naturally, they may be

grazed or hayed. Grasslands protected by easements may be grazed, hayed, mowed or have grass-seed harvested, with conditions stipulated beforehand (see landowner options, below).

The Service will only purchase easements from willing landowners. In all cases, land protected by the purchase of an easement remains in private ownership. We place no signs on private property, and the easements will not restrict hunting, trapping or mineral rights. Easements are permanent (perpetual)



Service Manager meets with private landowner to determine stipulations for a conservation easement, USFWS

agreements between the Service and all present and future landowners. Easements do not remove the land from the local tax rolls, nor do they open the land to public use. The owners of lands with easements still control access onto their lands.

We base the purchase price of an easement on the fair market value of the property and the effect on the value of the property of the easement option the landowner selects. A professional appraiser writes each appraisal report, which a Service review appraiser then reviews for its accuracy and legal sufficiency. Usually within 6 to 9 months after signing, each landowner will receive a single, lump-sum payment for the full amount specified in the easement agreement.

Easement Qualification Options

We will enter into easement agreements only with willing sellers whose land meets Service guidelines and habitat eligibility requirements (see appendix 1,

“Draft Agreements”). Potential sites must be located within the focus area. They must have important wildlife habitat values or restoration potential for meeting wildlife habitat goals. Those values and goals relate to waterfowl production, waterfowl brood rearing, grassland bird nesting and the availability of suitable wetland and grassland habitat described in chapter 1.

We will assign priority to land that falls in one of the following categories:

- 1. Land that contains both wetland and grassland habitat in close proximity and is especially suitable for wildlife production purposes.**
- 2. The largest or most valuable tracts of either grassland or wetland habitats, each independent of the presence of the other.**
- 3. Tracts with especially valuable ecological conditions, e.g., those with exceptionally high densities or populations of priority bird species (e.g., American black duck, piping plover, Henslow’s sparrow, golden-winged warbler), without both habitat types.**
- 4. Important holdings, corridors, or connecting parcels within or between large or important areas, such as wildlife management areas that the state already protects or manages for wildlife.**

The Service manager and the private landowner determine the size and extent of an easement. The landowner selects the appropriate easement option with assistance from the Service manager. Wetland and grassland easements can be combined or separate. Wetland easements pertain to existing wetlands or altered wetlands—those drained through ditching or tiling—that have been restored or that have restoration potential. Wetland easement agreements grant authorized Service staff access onto the designated property for the purpose of project design, installation, maintenance and management.

Landowners interested in grassland easements may choose one of four easement options listed below. Each easement agreement authorizes Service staff access for the purpose of restoring and maintaining permanent

vegetative cover in grassland, and restricts the alteration or development of the grassland and other protected wildlife habitat. We will cooperate with the landowner in identifying the best management option for the proposed easement.

Grassland Easement Options

Restricted use—under this easement option, the Service purchases the rights to graze, hay, crop, ditch and harvest seed.

Haying only—the Service purchases the rights to graze, crop and ditch. The landowner retains the right to hay and harvest seed, but only after July 15 each year, to protect ground-nesting birds. The Service easement manager reserves the right to determine when and where this easement option is used.

Grazing only—the Service purchases the rights to hay, crop, ditch and harvest seed. The landowner retains the right to graze. No grazing restrictions are placed on the land. The Service’s easement manager reserves the right to determine where and how this easement option is used.

Both haying and grazing—the Service purchases the rights to crop and ditch. The landowner retains the rights to hay, graze and harvest seed. There are no restrictions on grazing; but haying and harvesting grass seed may not take place until after July 15 each year to protect ground-nesting wildlife. The Service easement manager reserves the right to determine where and how this easement option is used.

Waterfowl Production Areas (WPAs)

The Service purchases WPAs from willing sellers for increasing the production of migrating birds, specifically, waterfowl. Land we acquire as a WPA within the focus area must meet Service guidelines and eligibility requirements for protected lands. The Service purchases all property rights from a willing seller, and owns the land in fee title. Landowners selling fee-title property to the Service will receive payment for their land based upon its fair market value. Town officials must approve any sale on a parcel-by-parcel basis.

Like other federal agencies, the Service, does not pay property tax. Although land we acquire in fee title is removed from tax rolls, the affected county or other taxing authority receives annual revenue sharing payments. Those are equal to one of the following, whichever is largest:

75 cents per acre, three-quarters of one percent

of the fair market value, or 25 percent of net receipts. We update the fair market value appraisal every 5 years. Congress appropriates money each year for the revenue sharing program. We presently compensate two towns in St. Lawrence County for two properties totaling 700 acres the Service owns in fee title.



WPAs are open to public use unless specifically closed by the Service Manager, USFWS

Public Use

The following general regulations would apply to any WPA open for public use. For a more detailed list of permitted and prohibited uses, refer to our conceptual management plan.

Permitted

- Wildlife and nature observation, study and photography
- Hunting and trapping (except where posted "Closed"). Both are subject to all applicable state and federal laws. Hunting will include migratory waterfowl. Waterfowl and small game hunters using shotguns are required to use and possess only approved non-toxic shot during the hunting season. Firearms may be used only during hunting seasons.

Prohibited

- Use of motor vehicles and motorized watercraft, except by permit, or in designated parking areas and public roads
- Use or possession of alcoholic beverages while hunting
- Camping, overnight use, fires, littering

Management

Although providing long-term protection for wetland and upland habitat is an important step toward meeting conservation goals and the lifecycle needs of waterfowl and other wildlife, the site management of easements and WPAs is equally important. Waterfowl, shorebirds and waterbirds require a mix of wetland types or wetland conditions. We may manage restored wetlands with water control structures to sustain desired habitat. Emergent vegetation, and flooded shrubs and woods provide migrating waterfowl as well as hens and their broods the cover and food they need. Dry periods enable plants to survive wet conditions. Other vegetation needs a dry period to germinate and re-establish within the pool. A timed drawdown also benefits various wetland birds, such as shorebirds.

Mudflats are critical for shorebirds during spring and fall migration. The exposed flats contain micro-invertebrates, a high protein food source that provides these small birds with the nourishment and energy they need as they fly to their wintering grounds in Mexico and Central or South America or to their nesting grounds in Canada and the Arctic.

Mowing, grazing and prescribed burning are the primary tools for maintaining grasslands. Using them at properly timed intervals ensures the sustained presence of important nesting cover. The chicks of grassland-nesting birds do not fledge until mid-July, at the earliest. For that reason, we do not allow management activities such as mowing before that date. Mowing too late in the season also has drawbacks. Mowing late in the season may not allow the grass to re-grow sufficiently before dormancy begins. Short grass in the spring provides insufficient cover, and may result in the increased mortality of eggs and nestlings through predation.

To enable this project to become operational, implementing our proposal will require additional staff at the St. Lawrence office in Richville, New York. Those positions would supplement our present staff. We expect becoming fully staffed to take 3 years, but ultimately, that will depend upon the availability of funding.

We will implement the criteria for landowner participation and use of the easement or WPA option only within the proposed focus area. Permanent conservation easements that protect and conserve waterfowl production habitat may include sensitive groundwater areas, riparian lands, wetland restoration areas, marginal agricultural cropland areas, pastured hillsides, and woodlots on agricultural land.

Priority habitat types qualify for WPA designation. We purchase and manage those lands to provide high quality wetlands and nesting cover for waterfowl and many other species of wildlife, and permit appropriate, compatible public use.

Alternative 3

Expanded Acquisition Approach

The Expanded Acquisition Approach is the same as alternative 2, except for the following:

- The goal for land protection would be 12,000 acres, rather than the 8,000 acres listed in alternative 2.
- Six thousand acres (50 percent) of the project area would be designated for wetland/grassland easement protection.
- Six thousand acres (50 percent) of the project area would be designated as WPAs.
- The 12,000 acres represent 1.5 percent of the county acreage and about 14 percent of the county grassland acreage.

The North American Waterfowl Management Plan, under the Atlantic Coast Joint Venture, calls for protecting 16,000 acres of habitat in the Lake Ontario Islands and St. Lawrence Plains Focus Areas. It also calls for restoring 5,200 acres of waterfowl habitat. Goals in the Partners in Flight Bird Conservation Plan for the St. Lawrence Plain include maintaining 1,900,000 acres of grasslands and 120,000 acres of shrub habitat. This alternative will help reach those continental goals

Chapter 3—Affected Environment

Physical Environment

Climate

Jefferson County's climate is characterized as humid-continental. Winters are long and relatively cold, spring is cool and short, summers are warm and moderate, and autumn is warm but usually short.



Long, cold winters yield to mild spring and summer, ideal conditions for breeding waterfowl, © Ian Coristine

Lake Ontario influences

the region's weather, particularly in winter. The relatively warm water of the lake provides moisture to air masses moving across from the west, which often results in "lake effect" snowfalls primarily in the southern half of the county. The average county snowfall is 101 inches, but approaches 200 inches in the Snow Belt south of Watertown. The average annual precipitation is 40 inches.

The lake also has a moderating effect on temperatures, reducing the extremes of cold in winter and heat in summer. The average winter temperature is 21 degrees, while the average summer temperature is 68 degrees. The average relative humidity in the afternoon is 60 percent. The sun shines 65 percent of the time in summer and 40 percent of the time in winter.

Topography and Soils

Glaciers were an important force in shaping the region's topography, moving and depositing the soils that define the area and make it so important for the wildlife that use it. The predominately flat to rolling topography and the

abundance of poorly drained soils throughout the county create an ideal environment for the establishment of wetland habitat suited for waterfowl and other water birds and wetland-related species of wildlife. The fact that the USDA National Resource Conservation Service (NRCS) has mapped 143,440 acres of hydric soils and 123,500 acres with a slope of 3 percent or less as soils with hydric inclusions underscores the suitability of the area for wetland habitat. Those are not the prime agricultural soils of the county, but marginal to poor soils that typically are abandoned or left fallow due to their poor productivity and high resource demand.

The combination of a generally flat landscape and the presence of dense, clay soils creates suitable conditions for sheet water wetlands throughout the county. Warming sunshine and early spring rains create shallow pools in low field depressions. The small, temporary, shallow pools are the first to thaw in early spring. The heavy soils underneath them are slow to absorb water, and extend their life. Their presence is critical for the food they supply waterfowl, shorebirds and other wildlife. Longer days bring greater warmth. The smallest pools begin to dry as larger pools thaw, meeting the needs of early migrants while providing additional shallow water habitat for additional migrants.

Large, low, hydric areas exist throughout the county. Shaped during the last glacial period, those larger wetlands provide nesting and brood rearing habitat. The uplands surrounding the low areas have enough difference in elevation to sustain upland vegetation: grasses, shrubs, or woods. Those upland areas are often locations with soils containing hydric inclusions. They are not as wet as the hydric soils but they are wet enough to make intensive agriculture difficult. These lands typically are mowed late in the season, because they are too wet to mow much earlier than mid-to-late July.

Hydrology

Jefferson County is largely contained by the watershed for Lake Ontario and the St. Lawrence River. Most of the county's waters flow into Lake Ontario in a number of smaller streams such as Sandy Creek, South Sandy Creek, North Branch Sandy Creek, Mill, Stony and Skinner Creeks, whose headwaters are in the Tug Hill Region of Jefferson County. The Black River is the county's

largest river, entering it in Carthage and flowing through Watertown before entering Lake Ontario in Dexter. Most rivers and streams north of Watertown empty into the St. Lawrence River.

Sub-watersheds in the proposed focus area are frequently low gradient flows. They were often altered by ditching and channeling in an attempt to drain water from surrounding lands for farming, and now provide the greatest opportunity for wetland restoration in an altered landscape.

The scattered distribution and small sizes of individual wetlands across the landscape appears especially well suited for our SWAP and farming-friendly WMD approach. Service PFW activities since the early 1990s have involved wetland restoration by such actions as reestablishing hydrologic conditions (e.g., plugging ditches), and grassland restoration by planting and mowing.

The completion of a system of locks and dams in the 1950s altered the hydrology of the St. Lawrence River. Opening the Great Lakes to shipping altered the river's natural flow and seasonal fluctuation in water level. The management of water levels by the dams, coupled with other factors, degraded the vegetation and function of coastal wetlands and bays. That change adversely affected waterfowl, water bird, shore bird and fisheries habitat.

Geology

Many conservation authorities also consider the valley part of an internationally important ecosystem that includes the Lower Great Lakes watershed. The Frontenac Axis is a regional landform that connects the Canadian Shield (Algonquin Provincial Park) with the mountains of the eastern United States. That landform provides a geological and ecological connection between the Adirondacks, the Canadian Shield, the St. Lawrence Islands Park (Parks Canada) and the St. Lawrence Islands Biosphere Reserve, creating a critical dispersal corridor for a variety of fauna and flora. Jefferson County also lies in three physiographic regions in the northern part of New York: the St. Lawrence River Basin, in the northwestern part of the county along the St. Lawrence River; the Erie-Ontario Plain, in the southwestern

part of the county east of Lake Ontario; and the Tug Hill Plateau in the southeastern part of the county.

The St. Lawrence Valley and the Erie-Ontario Plain, together called the “lowlands,” compose most of the total land area in the county. Their topography varies from nearly level to rolling and broken, commonly with steep rock ledges. Elevations range from 246 feet mean sea level (msl) near Lake Ontario and the St.



The Valley's lowlands offer potholes and other wetland areas for waterbirds and other wildlife, USFWS

Lawrence River to 650 feet msl on the beach of glacial Lake Iroquois, south of Watertown.

The uplands are the Tug Hill Plateau. The elevations range from 650 to 700 feet msl just south of Black River near West Carthage and Champion to 1,700 feet msl east of Worth Center. The topography is rolling to hilly. Some features include gorges or gulfs where streams have cut deep, narrow channels 100 to 250 feet deep in the underlying shale, leaving almost perpendicular cliffs or sidewalls.

Some conspicuous features of the lowlands are the “Clay Plains,” prairie-like areas of clayey soil that are almost level, and the “Pine Plains,” an extensive area of sand delta in the Black River Valley, which is the location of part of the Fort Drum Military Reservation. In the Village of Plessis, where flat areas and ledges of almost bare sandstone are exposed, marks in the rocks indicate a northeast-to-southwest movement of the glaciers. In the Town of

Henderson near Lake Ontario, occur extensive flat areas and ledges of almost bare limestone.

Glacial till serves as one of the parent materials for the county. It varies in composition, but generally is characterized by sharp-edged stone, gravel, sand, silt, and clay. As the glaciers melted from south to north, they filled low-lying areas with water. Silt and clay soils inundated those areas. Glacial streams carried huge amounts of sand into these glacial lakes, forming areas like Fort Drum (Jefferson County Agriculture and Farmland Protection Plan 2002).

Biological Resources

Vegetation and Habitat

Agriculture is a major industry in the valley. Nearly 44 percent of the land in Jefferson County is in agricultural production, broken down as follows: 85,000 acres in hay, 29,500 in corn, 8,000 in small grains, 4,000 in soybeans, and 3,000 in annual forage (Jefferson County Agriculture and Farmland Protection Plan 2002).

The valley's 150,000 acres of freshwater wetlands consist of nearly every inland wetland type found in the northeastern United States, including flooded woodland (45 percent), shrub-scrub wetland (33 percent), emergent wetland and wet meadow (17 percent) and other (5 percent) (USFWS Conservation Proposal). This resource provides essential seasonal habitat for numerous species of waterfowl and water-dependent wildlife species. The Valley contains an estimated 15,000 acres of sheetwater wetlands, of which about 5,000 acres (Northern Ecological Associates 95) are found within the proposed FA (Figure 5).

The position of Jefferson County in the internationally recognized Great Lakes Basin and St. Lawrence River Ecosystem and the unspoiled nature of its aquatic and terrestrial habitats and natural resources create an extremely valuable, biologically unique environment that has been recognized and studied by a wide array of natural resource specialists and organizations worldwide. For example, the thousands of islands scattered in the mile-wide

channel of the St. Lawrence River in Jefferson County are among the 30,000 islands of the Great Lakes Basin that form the world's largest collection of freshwater islands recognized as globally significant in terms of their biological diversity (Crispin 1998). Jefferson County contains 16 percent of all Alvar habitat found in the Great Lakes Basin. Alvar habitats—grasslands and shrublands that develop on shallow soils with limestone geology and support rare plant communities (Draft New York State Comprehensive Wildlife Conservation Strategy, December 2005)—such as Limerick Cedars and Chaumont Barrens, support rare plants, birds and invertebrates, and are considered globally rare habitats found only in a few places on earth (TNC - Eastern Lake Ontario Project Office). The Nature Conservancy has protected those areas because they are rare.

Wildlife

Waterfowl

Waterfowl use the habitat of the valley in most seasons. Ten species, including mallard, American black duck, northern pintail and wood duck, have been documented using sheetwater wetlands during the spring (Northern Ecological Associates, Inc., 1994) (see table 1, below).

Based on 1994 waterfowl breeding surveys throughout the eastern United States, the valley has one of the highest estimates of mallard breeding population in the Atlantic Flyway (Heusmann 1994).



Female mallard with brood, USFWS

Figure 5. Landuse in the Focus Area

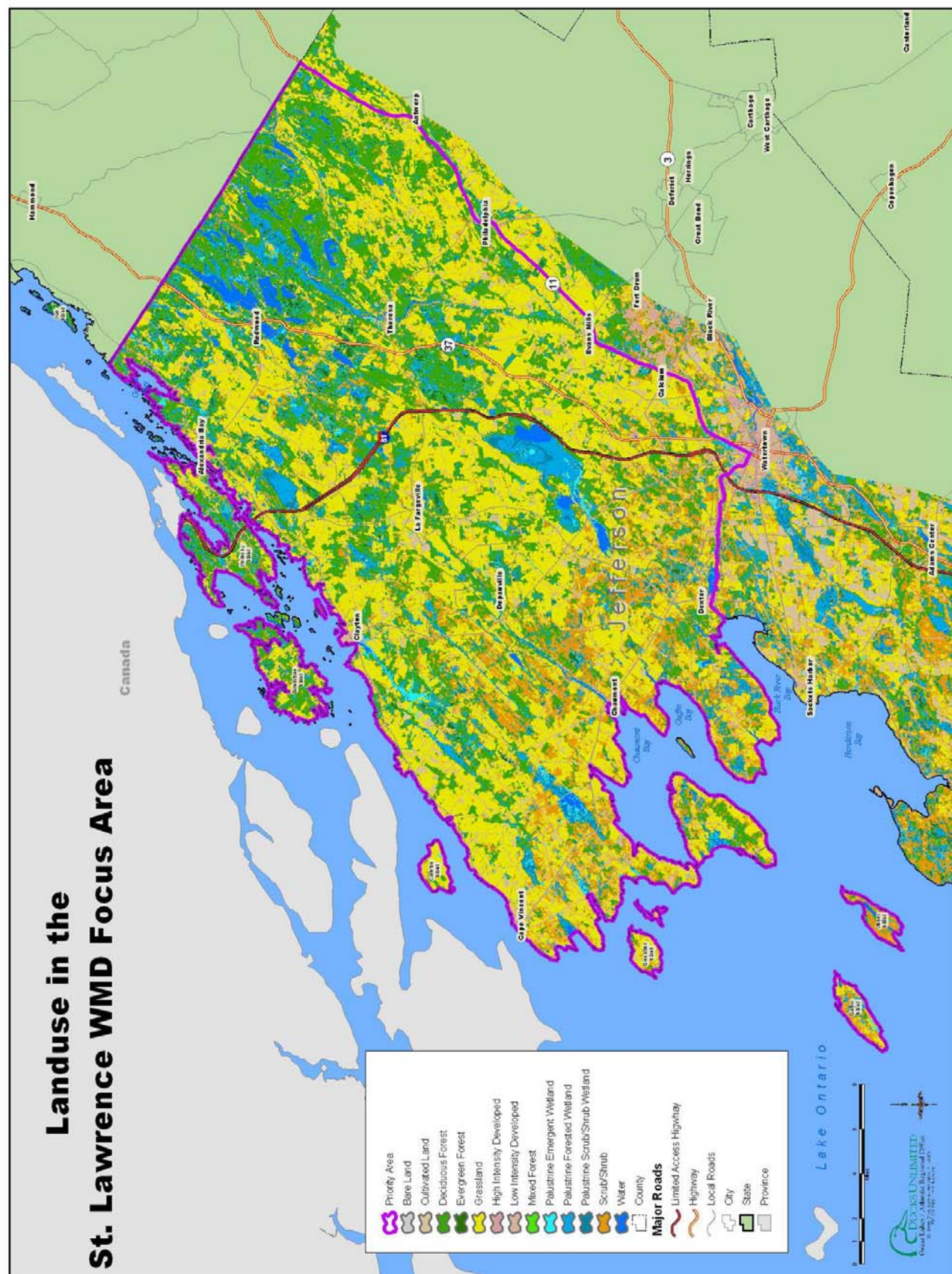


Table 1. Waterfowl species using the St. Lawrence Focus Area, Atlantic Coast Joint Venture – Focus Area Report Draft

<i>Species</i>	<i>Breeding</i>	<i>Migration</i>	<i>Wintering</i>
American Black Duck	X	X	
Blue-winged Teal	X	X	
Mallard	X	X	X
Wood duck	X	X	
Ring-necked Duck	X	X	
Common Merganser		X	
AP Canada Goose		X	
Resident Canada Goose	X	X	
Green-winged Teal	X	X	
Northern Pintail	X	X	
Gadwall	X	X	
Northern Shoveler	X	X	
Bufflehead		X	
Scaup		X	X
Barrows Goldeneye		X	X
Hooded Merganser		X	
Long-tailed Duck		X	X

(ACJV Draft Waterfowl Implementation Plan Revision 2005)

As a priority focus area in the ACJV, the valley provides migrating and nesting habitat for a number of waterfowl species, including mallard, American black duck, wood duck, green-winged teal, northern pintail, ring-necked duck, and Canada goose (Northern Ecological Associates, Inc., 1994). The agricultural grasslands and their juxtaposition with sheetwater and other wetlands make this focus area the most important breeding habitat for mallards in the eastern United States. Numerous other waterfowl use the larger bodies of open water during migration. More than nine million waterfowl use-days per year have been reported in the St. Lawrence River, Eastern Lake Ontario, and surrounding islands during migration alone (Ross, R.K. 1989). Underscoring the area's importance to waterfowl, Ducks Unlimited lists the valley as a priority area in its Continental Conservation Plan.

Mallards, wood ducks, blue-winged teals, black ducks, Canada geese, and lesser numbers of ring-neck ducks, green-winged teals, gadwalls, American wigeons and hooded mergansers frequent the wetlands in this area and use

them for breeding and stopover areas during migration (Northern Ecological Associates, 1994; Losito, 1993).

Other migratory species include the snow goose, northern pintail and northern shoveler, American coot, bufflehead, common merganser, lesser scaup, canvasback, and common goldeneye (ACJV Draft Waterfowl Implementation Plan Revision 2005).

Grassland Bird Community

The Partners In Flight (PIF) Northeast Grassland Bird Working Group identified the valley as a high priority area because of its major contribution to obligate grassland-breeding bird species (Rosenberg 2001). Perhaps the most important species of breeding songbird is the bobolink: nearly 17 percent of its global population nests in the project area (Wells 2000; Bolsinger, et al. undated). Other species include the grasshopper sparrow, upland sandpiper, and Henslow's sparrow. All are listed as priority species in the PIF Bird Conservation Plan for Physiographic Area 18 (St. Lawrence Plain). Exceptionally high relative abundances of nesting savannah sparrows have been recorded. The eastern meadowlark, sedge wren, and northern harrier also nest there.

The DEC lists the grasshopper sparrow, Henslow's sparrow, vesper sparrow, sedge wren, upland sandpiper, and northern harrier either as threatened species or as species of special concern (Northern Ecological Associates, Inc., 1994). Recent research findings show grassland bird densities average about 3.9 birds/ha, ranging between 1.3 and 7.0 birds/ha. Given the average density of 3.9 obligate grassland birds/ha and 85,000 ha of agricultural grassland habitat in Jefferson County, the county potentially could be supporting 332,000 obligate grassland birds (Lazazzero, S and Norment, C. 2005).

Other Migratory Birds: Shorebirds, Water birds, Raptors, Non-Grassland Songbirds

The valley's habitat diversity not only benefits waterfowl and grassland nesting birds, but also supports numerous other species. The North American Bird Conservation Initiative identifies the Lower Great Lakes/St. Lawrence

Plain BCR, which includes the St. Lawrence Valley, as extremely important for stopover migrants, including passerines, hawks, shorebirds, and waterbirds. (NABCI Bird Conservation Region Descriptions September 2000)

When nesting or migrating, water-dependent species rely on the shoreline marshes, protected island bays, and open water areas of the St. Lawrence River and the numerous freshwater wetlands scattered throughout the valley. Idle farmland often changes from grassland to shrub land and, in turn, develops into ideal habitat for such priority species as golden-winged warbler, brown thrasher, and American woodcock (ACJV Draft Waterfowl Implementation Plan Revision 2005). The remnant patches of deciduous northern hardwoods provide habitat for priority species such as the cerulean warbler. The diverse collection of forested and emergent wetlands with ponds and lakes provide habitat for the pied-billed grebe, American bittern, belted kingfisher, sedge wren, and bald eagle. We know that shoreline and island habitats in the project area support colonial nesting waterbirds of concern, including herons and terns (ACJV Draft Waterfowl Implementation Plan Revision 2005).

The St. Lawrence Valley and Thousand Island Region is an extremely important area for bald eagles. Eagles nest, forage and overwinter in the region. The St. Lawrence River is the second largest overwintering site for bald eagles in New York State. An international working group of U.S. and Canadian federal, state, provincial and local conservation partners has initiated bald eagle conservation efforts. The Lake Ontario Lakewide Management Plan brought together the U.S.–Canada Bald Eagle Working Group to

- (1) identify and prioritize valuable bald eagle habitat in the Lake Ontario Basin and upper St. Lawrence River for conservation efforts,**
- (2) develop bald eagle restoration goals and objectives,**
- (3) identify opportunities for increased binational cooperation, and**

(4) prioritize activities and conservation tools for future funding and implementation.

Historical nesting data and annual winter observation data was combined into an ArcGIS model in 2005 to predict high quality habitat and identify priority areas for protection. The plan calls for the protection of several priority habitats in the St. Lawrence WMD focus area. For any activities permitted on WPA's that might affect bald eagles, the Service would complete intra-agency consultation under section 7 of the Endangered Species Act.

Mammals

The rural landscape of the valley provides a diversity of habitats that developed areas lack. As a result, the diversity of mammals in the valley is as great as its diversity of bird life. Just as their habitat needs identify the bird communities, so are mammals.



River otter, USFWS

Lakes, wetlands, streams and rivers provide habitat for beavers, river otters, minks and muskrats. Those species are indicators of a healthy ecosystem. River otters are not widely encountered, and are a treat for anyone who happens upon them. Beavers have an important role in the region, establishing wetland habitat that is highly productive and important for waterfowl, heron, bittern and a variety of other wetland species.

Grasslands not only provide habitat for grassland nesting birds, but also for deer mice and meadow voles. Those mammals are part of the food supply for such raptors as the northern harrier, rough-legged hawk, red-tailed hawk,

short-eared owl and snowy owl. Fox hunt fields for the mice and voles that inhabit them; they are an important winter food source. Deer also bed down in fields at warmer times of the year.

Hedgerows and shrubby edge as well as fields reverting to shrubs provide good habitat for the eastern cottontail, striped skunk, snowshoe hare and whitetail deer. Porcupines, common throughout the valley, are often observed chewing the bark off trees. The eastern chipmunk, gray squirrel, and fisher inhabit hardwood forests throughout the area. Raccoon, ermine and mink may be found close to water or shrubby or wooded habitat. The red squirrel is likely to be found in spruce or pine or mixed hardwood forests.

Fisheries

The fish community of Lake Ontario is extremely diverse. Historic reports indicate more than 85 fish species in the St. Lawrence River. Almost 60 fish species have been recorded in the New York and Ontario waters of Lake St. Lawrence over a 40-year period. Those include bait/forage fish and larger sport and non-sport fish species (R.E. Grant and Associates).

The fisheries of the St. Lawrence River and Lake Ontario are important to the region. People from around the world visit the area to fish for pike, walleye, muskellunge, large-mouth and small-mouth bass, and yellow perch, to name a few. Contestants traveled to the area from around the world for the 2005 World Carp Tournament on the St. Lawrence. They represented 25 countries, including China, Canada, Russia, South Africa, England and Italy.

The tributaries of Lake Ontario and the St. Lawrence River have important fisheries as well, and play an important role in the fisheries of the lake and river. Protected bays provide good fishing for the small boat angler, while area docks and piers offer action for shore anglers (DEC website). Many coastal wetlands historically have provided important spawning habitat. Hydrologic changes centered on the dam and lock system on the St. Lawrence have marginalized much of this habitat.

A comprehensive cormorant management plan was developed and implemented in the affected area in 1999. The habitat requirements for

ground-nesting waterfowl and grassland birds differ from those of cormorants. Consequently, the management actions resulting from acquiring easements and establishing WPAs will not result in any increase in cormorant numbers.

Socioeconomic Resources

Land Use

Jefferson County is sparsely populated and rural in nature. Watertown is its major population center. Farms, forests and wetlands dominate the land use in the focus area. The 12 townships in the County contain Agricultural Districts. The largest districts are found in the towns of Adams, Cape Vincent, Henderson, Ellisburg, Rodman, Hounesfield, Watertown and Champion. The communities based on agriculture include Adams/Adams Center, Carthage/West Carthage, Chaumont, Ellisburg, La Fargeville and Philadelphia. Areas containing heavier soils in the county were often ditched in an attempt to increase the farming potential of marginal sites.

The valley contains 350,000 acres of grassland, the largest contiguous block of grassland habitat in the northeastern United States. Jefferson County contains roughly 85,000 acres of that total. Much of this habitat is present because of environmental and economic conditions that make dairy farming the leading form of agriculture in the valley, and hay the predominant crop. These grasslands are often adjacent to or contain depressions that form potholes and sheetwater habitat. The interspersions of these smaller wetlands among larger marshes and grassland habitat provide a productive environment for waterfowl, shorebirds and other wetland and grassland species of wildlife.

In 1780, New York State contained an estimated 2,560,000 acres of wetland. By 1980, that number had dropped to 1,025,000 acres, a 60-percent loss in wetland habitat (Dahl, E. T. 1990). Those losses included wetlands in the valley, where development as well as the expansion of agricultural activity resulted in a loss of wetland habitat. The DEC released a report that indicates a small, net gain of nearly 12,700 acres of freshwater wetlands in the Lake Plain Region and Coastal Lowlands, including the St. Lawrence Valley (NYDEC, Freshwater

Wetlands Status and Trends). That gain is due mainly to the abandonment of farmland that included previously altered wetlands, areas that were drained to increase tillable acres or areas where cows could be grazed. Our proposal targets these types of sites.

Socioeconomic

The Thousand Island, Lake Ontario region in the county depends heavily on summer tourism. Alexandria Bay, Cape Vincent, Clayton, and Sackets Harbor are important villages in that area. High numbers of people become seasonal residents in the summer. Many others visit the area in summer to boat, fish or visit the historical sites on Lake Ontario and the St. Lawrence River. The Thousand Island stretch of the river is a major attraction for local as well as out of town visitors.

The U.S. Census for 2000 lists the population of Jefferson County at 111,738. A 26-percent increase in population was recorded between 1980 and 1990. That growth was attributed to the activation of the U.S. Army 10th Mountain Division at Ft. Drum, located in the northeastern part of the county.

Ft. Drum Military Base is home to the 10th Mountain Division. Expansion in the early 80s brought thousands of additional people into the area and created a building boom. A second major increase in troops began in 2004, bringing nearly 6,000 new troops and family to the area by the end of 2005. That growth has put pressure on the surrounding area for housing and other necessities for the new residents (P. Gibbs personal communication). That in turn may create pressure to develop areas important for waterfowl and other wildlife.

Agricultural lands total 330,200 acres, about 41 percent of the county's 814,209 acres. The total acres in agriculture has held steady since 1987, with a slight drop in total acres between the years of 1996 and 2002. Records show a gradual decline in the total number of farms. There are 1,020 farms in Jefferson County (New York Agricultural Statistics Service).

We copied the following from the Jefferson County Agricultural and Farmland Protection Plan, 2002:

- **Jefferson County dropped from ninth in total value of agricultural products sold in New York State in 1992 to 12th in 1997.**
- **The total value of agricultural products sold in Jefferson County has been stagnant since a high in 1982.**
- **Jefferson County's population and number of housing units grew from 1990 to 2000; they are likely to continue to grow due to recent economic development opportunities in the county and in the state. That growth was greater in the rural areas of the county than in the city and villages. This growth trend will continue to increase development pressure on agricultural land.**
- **28.5 percent of Jefferson County's agricultural land was removed from agricultural production from 1969 to 1997**
- **56 percent of the land in agricultural production is presently in an agricultural district.**
- **35 percent of the soils in Jefferson County are well suited for all types of cultivated crops, legumes, grass and hay production.**
- **The dairy industry continues to grow with a larger concentration in the southern part of the County where land availability is becoming tighter due to farm expansions.**
- **Beef production is showing some growth while other types of livestock production are on the decline. These types of operations are more dominant in the northern part of the county and may have a greater economic development benefit on the grassland type soils in the future.**

- Perceived availability of farmland to rent or purchase is lower in southern Jefferson County compared to other regions where the availability is much greater

Historical and Archaeological Resources

The vast prehistoric wilderness of the St. Lawrence Valley was claimed by the Oneida Indian Nation, which thrived on its abundant natural resources.

Although French colonial influences are evident, settlement and development in the county did not occur until after the American Revolution, when Alexander Macomb acquired title to this region from the Oneidas. "Macomb's Purchase" was soon subdivided into large tracts and other holdings, which stimulated the settlement of the region.

Attracted by the abundant waterpower afforded by the Black River, industrially minded pioneers from New England settled in the center of the county and established a manufacturing and trading center. The City of Watertown thus was established, and soon became the county seat. Jefferson County, named after the then serving President of the United States, was created by enactment of the New York State Legislature on March 28, 1805.

Yankee ingenuity overcame inadequate transportation and communication facilities to establish a prosperous agricultural, industrial, and mercantile tradition. Jefferson

County has been world famous for its manufacturing tradition: cotton and woolen yarns, carriages, sewing machines, water pumps, oil lamps, portable steam engines, railroad brakes, plows, emery grinders, paper-making machinery, cylinder printing presses, high-pressure



Waterfowl hunting is one of many ways to enjoy the nature of the St. Lawrence Valley, USFWS

hydraulic pumps, and turbine starting systems are just a few examples. Throughout its history, Jefferson County has demonstrated resiliency and ingenuity in the face of change. The genesis of Arbor Day, the Dewey Decimal System, the Five and Dime Store (Woolworth's), Philadelphia Cream Cheese, and Thousand Islands Dressing were all developed in Jefferson County (Jefferson County Web Page).

Recreation

Recreation in the St. Lawrence Valley is nearly as diverse as its landscape. The St. Lawrence River is a focal point for seasonal homeowners, out-of-state visitors and area residents who boat on the rivers and lakes in the summer. The area has a rich history of outdoor recreation. The migration of diverse bird life beckons bird watchers to the area. Duck hunting has a long tradition in this area, as it provides critical staging habitat in the fall. Fishing is an important draw that continues well into the fall. Opportunities abound for those interested in being outside, whether to hunt or fish, hike, bike or boat. Outdoor recreation is closely tied to the lifestyle and heritage of the region.

We excerpted the following from the 2003 Economic Impact of Expenditures by Tourists on Northern New York State.

An estimated 4,039 jobs were supported by both direct and indirect tourist expenditures in Jefferson County. Wages and salaries earned by residents, as well as income earned by business owners due to tourist expenditures, were estimated to total over \$67 million in 2003. Visitor expenditures throughout Jefferson County are estimated to have generated almost \$13 million in state government revenues and over \$17 million in local government revenues. Government revenues include items such as sales taxes, occupancy taxes, licenses, fees, and income taxes on dollars earned by people whose work is supported by tourism.

We excerpted the following from the 2004 Jefferson County Tourism Profile.

The 6,013 seasonal residences on the tax roles account for about 18% of all the residential parcels listed. (The average for seasonal residences in all counties in New York State is 2.2%.)

Approximately one in every six homes in Jefferson County is seasonal, and there are more seasonal residences than lodging rooms and campsites combined. Jefferson County has the largest number of seasonal residences among all the counties of northern New York (2004 Jefferson County Tourism Profile

Chapter 4—Environmental Consequences

Alternative 1

No Action: Following the present conservation path

The Service would maintain its current PFW activities, but would not receive the authority to establish permanent easements or WPAs in Jefferson County, New York. Therefore, up to 8,000 acres of habitat in Jefferson County would lack permanent protection.



The valley has a long history of agricultural practices on the land, USFWS

Federal programs administered by other agencies would provide some support if we took “No Action.” The U.S. Department of Agriculture Farm Bill Programs implemented by NRCS and the Farm Service Agency (FSA) would contribute to conservation in the valley, as long as those programs received funding.

The Wetland Reserve Program (WRP) targets the restoration of wetland habitat on property with an agricultural history and on previously drained or altered wetlands. Participants may choose between a 10-year restoration agreement and an easement option. To date, Jefferson County contains 40 completed WRP projects: 10 10-year restoration agreements totaling 246 acres, and 30 easements, consisting of both permanent and 30-year easements totaling 2,227 acres.

Funding for the management of those NRCS-restored sites is not available. The inability to manage projects could affect their efficacy over the long term. The vegetation that produces seeds and tubers and attracts insects that waterfowl eat dies off. The lack of diversity reduces the habitat benefits for waterfowl and associated species. For that reason, restored sites need periodic drawdowns to maintain their productivity. The use of water control structures allows for the management of these sites.

The Wildlife Habitat Incentive Program (WHIP) targets grassland restoration and maintenance. Landowners enroll by signing a 10- to 15-year agreement. They may mow the fields between July 15 and September 15. Grassland habitat may be reestablished or enhanced and maintained during the life of the agreement with financial assistance from NRCS. Jefferson County contains 12 WHIP projects totaling 1,675 acres. Program funding has fallen short of projections for the last 4 years. Some uncertainty exists about the program's long-term viability.

The Grassland Reserve Program (GRP) targets the protection of grassland habitat. Participants may choose an easement option that provides long-term protection. However, GRP funding for the Northeast to date has not been able to meet the demand. That underscores the point that private landowners want to enroll in programs that provide long-term protection and management for grassland habitat.

The Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP) target agricultural producers such as dairy farmers and crop growers. Participants may sign 10- to 15-year agreements. Both programs safeguard environmentally sensitive land for the purpose of improving water quality and enhancing wildlife habitat. Eligible sites must meet farming history criteria, criteria that automatically eliminate landowners whose property has been retired from agriculture for at least 3 years. Some sites considered ideal WPAs do not qualify for CRP/CREP because they do not meet the agricultural history criteria.

Conservation Organization Programs

Ducks Unlimited, which lists the valley as a priority area in its Continental Conservation Plan (Ducks Unlimited CCP 1994), is expanding its restoration program in the valley, including Jefferson County. That organization recently received a North American Waterfowl Conservation Act grant totaling \$975,000, with a variety of partners providing the required match. The goals in the grant include the restoration of 350 acres of wetland habitat and 150 acres of grassland habitat, and the permanent protection of 530 acres of wetland and upland habitat. Wetland and grassland restoration projects targeted for state lands and protected lands—those owned by local land trusts or protected with easements by local land trusts—will have long-term protection. However, private land projects will only be protected with 10- to 15-year restoration agreements.

This funding and ensuing restoration will be an important addition to conservation in the valley. However, DU depends on the project recipient for site management. If that cannot be arranged, the long-term management and protection of the projects will be lacking.

Area land trusts, such as the Thousand Island Land Trust (TILT), the Ontario Bays Initiative (OBI) and the Indian River Lakes Conservancy (IRLC) receive donated easements and purchase easements when funding is available. Approximately 8,500 acres of wetland and upland habitat has long-term protection due to the work of these organizations. Although the protected properties meet the missions of the respective land trusts, they do not all necessarily satisfy the Service mission or goals for waterfowl production.

Physical Environment

The environmental consequences under alternative 1, “No Action,” may be mixed. Private landowners will continue to use conservation programs such as the Service PFW program and NRCS programs. The number of wetland and grassland restoration projects should grow, providing additional habitat for use by migrating and nesting waterfowl as well as shorebirds, waterbirds and additional members of the grassland bird community.

These projects, primarily wetland restoration projects, will restore hydrology to sites where ditching and channeling altered it. That should improve ground water recharge in surrounding areas. In contrast, development and some farming practices may result in increased run-off, which may lead to a greater potential for downstream flooding as well as an increase in contaminants entering the hydrologic system. Wetland restoration projects improve water quality by filtering sediment and contaminants, which run-off from adjacent farms or development areas may contain. The restoration projects also absorb water. In the case of high flows, such as snowmelt or heavy rains, these wetlands have the potential to lessen the chance of downstream flooding.

Although the “No Action” alternative would continue wetland and grassland restoration, the lack of long-term protection leaves open the possibility that restored projects may be altered after the 10-year agreement expires (see chapter 1, alternative 1). Development pressures may force some landowners to sell property they may otherwise protect if long-term protection options are available. Presently, the PFW program lacks a management component. Landowners perform any management activities. The lack of proper management could result in less productive projects that provide fewer benefits for waterfowl and other targeted species



American bittern, USFWS

Biological Resources

The environmental consequences may be mixed in alternative 1, “No Action.” Landowners participating in wetland and restoration projects such as the

Service PFW program and NRCS programs will restore and maintain vegetation and habitat that will be used by a broad array of wildlife, including migrating and nesting waterfowl, shorebirds, waterbirds, other grassland bird species as well as reptiles and amphibians that are drawn to those habitat types. A few species may benefit that are included on the federal or state lists of endangered or threatened species.

Agriculture is such an important component of the Jefferson County landscape that single ownerships hold large tracts of land. A single dairy farm may consist of 100, 200 acres or more of contiguous grasslands. Those expansive tracts provide significant benefit or potential benefit for trust species such as the Henslow's sparrow, short-eared owl, bobolink or blue-winged teal. Farm abandonment due to economic pressures could also result in the loss of large acreage of grassland changing to shrub habitat and then forest, unless some mechanism is in place to maintain the grasslands. The loss of grassland habitat will negatively affect populations of priority migratory bird species in the area that require large blocks of grassland.

Economic pressures are also forcing some farms to expand. That expansion results in the more intensive management of agricultural lands. Pasture may be converted to corn. The switch in land use results in a habitat loss that affects waterfowl as well as grassland-nesting birds and others.

Development pressures could result in the subdivision of those large parcels, resulting in the loss of habitat value to those species. That may benefit wildlife. It is easier to impact habitat benefits by working with fewer landowners. As parcels are subdivided, landscape fragmentation makes management for wildlife harder and increases the potential for a reduction in quality habitat. Another concern is the potential loss of corridors that provide connectivity to protected lands, making the safe movement of wildlife harder to ensure.

Socioeconomic Resources

The "No Action" alternative may negatively affect agricultural lands and open space. In the last year and a half, development has increased in

Watertown and the surrounding area because of the stationing of thousands of additional troops at Ft. Drum. Large tracts of previously hayed or cropped fields are now listed on the market as potential housing sub-divisions (personal communication, Peter Gibbs 2005). The development of second homes around the St. Lawrence River is also on the increase. That will remove land from agricultural production, converting it into housing developments and shopping centers. An increase in traffic, strip malls and a reduction in air quality will replace the rural character that is so appealing to so many people.

Although that growth is good for the local economy, and provides much needed employment in the area, it does have potential drawbacks if not conducted in a thoughtful, environmentally conscious way. Increased development often means that land formerly available for hunting and fishing is no longer open for use. As housing developments expand, the pressure increases for sportsmen and sportswomen to hunt elsewhere. That pressure also places higher demand on limited public lands and reduces the quality of the outdoor experience. Without steps to protect the “North Country” lifestyle, development can affect a way of life that is important to many of the long-time residents as well as those who have moved to the area because they prefer its rural character and lifestyle.

Alternative 2

Long-Term Protection: Our Proposed Action

In this alternative, the Service would receive the authority to establish permanent easements and WPAs in Jefferson County, New York. Our proposal calls for protecting up to 8,000 acres in Jefferson County using both easements and WPAs. We will use permanent easements on wetland or grassland to protect 80 percent (6,000 acres or more) of the project total (8,000 acres). WPAs will constitute about 2,000 acres, 20 percent or less of the project total.

Physical Environment

The protection of watersheds and the management of wetlands and adjacent uplands ensure that important areas are available to perform the functions of filtering sediments, nutrients and various pollutants from run-off while also preserving wildlife habitat. The protection of these lands will prevent excess erosion, sedimentation, and the introduction of pesticides, metals, petroleum products, septic system effluents and other pollutants that generally accompany development.

In all likelihood, the restoration of drained or altered wetlands and the establishment of permanent cover on areas next to them, as well as the management of ditches through plugging and the placement of water control structures, will decrease the siltation and nutrient loading that occurs with some runoff. Although establishing WPAs will provide areas open for public use, we will manage them to prevent the degradation of their physical environment.

Biological Resources

Alternative 2 provides the opportunity to bring two important tools to the area: long-term protection and management. Long-term protection may provide the greatest benefits for the area's biological resources. The enrollment of eligible lands for wetland and grassland restoration and long-term protection can be an important component of the overall effort to ensure the availability of habitat for wildlife.

As we stated before, the valley is an important staging area for a diversity of birds, including migratory waterfowl, raptors, shorebirds, water birds and songbirds (NABCI Bird Conservation Region Descriptions September 2000). They use inland, coastal and bay wetlands, grasslands and other available habitat for resting and replenishing energy required to complete their migration north. Many birds nest in the area, using the same habitat. The proposed action would result in an increase in waterfowl and grassland bird production.

Public access to the WPAs could result in some disruption of wildlife. However, we now expect any disruption to be minimal. We will take the steps required by our compatibility policy to minimize unanticipated disturbances.

Waterfowl

The North American Waterfowl Management Plan, through the Atlantic Coast Joint Venture, calls for protecting 16,000 acres of habitat in the Lake Ontario Islands and St. Lawrence Plains Focus Areas. It also calls for restoring 5,200 acres of waterfowl habitat. The goals in the Partners in Flight Bird Conservation Plan, for the St. Lawrence Plain include maintaining 1,900,000 acres of grasslands and 120,000 acres of shrub habitat. This alternative will help reach these continental goals.

No comprehensive data has been collected on nesting waterfowl in the St. Lawrence Valley. As a result, forming a true picture of the nesting benefits provided by the protected and restored habitat listed in this proposal is difficult. The restoration and protection of wetland habitat will provide additional areas for nesting waterfowl. The St. Lawrence Valley covers 4,350 sq/km, providing habitat for 12,700 breeding pairs of mallards (Swift 1994b). Considering our goal in this alternative of restoring and protecting 8,000 acres of grassland and wetland habitat, we can estimate that , with a breeding population of 190 mallards, those 8,000 acres, or approximately 33 sq/km, could provide habitat for 94 mallard pairs.

Grassland-Nesting Birds

In chapter 3, “Affected Environment,” we note that the 85,000 ha of agricultural grassland habitat in Jefferson County could support 332,000 obligate grassland birds (Lazazzero, S and Norment, C. 2005). Based on the notion that each hectare of grassland could support 3.9 birds, our preferred alternative, containing 4,000 acres (1619 ha), could provide habitat for 6,313 birds.

Socioeconomic Resources

Lands sold to the Service may be open to the public for permitted wildlife-dependent uses. The public use of these lands would bring money into the

area, providing an economic benefit to businesses. Nationwide, an estimated 80 million people participated in consumptive and non- consumptive bird activities in 1991. An estimated 46 million bird watchers in the United States spent nearly \$32 billion in 2001. That expenditure resulted in \$85 billion in economic benefits, \$13 billion dollars in taxes, and 863,406 jobs (Birding in the U.S.—2001). Nationwide, the sales for all hunting-related activities totaled nearly \$25 billion. The sales of all hunting-related items in New York totaled \$900 million in 2001, ranking fourth in the country (Economic Importance of Hunting in America 02). Although we cannot calculate the economic benefits of protecting these lands, research suggests they will help feed the local and state economies and support a number of jobs. The additional acres of public lands should provide economic benefits for county, town and local areas.

Protected areas not only provide valuable habitat for a wide range of wildlife. When located in a farm-based landscape, they also may relieve development pressure on farms by establishing a buffer between farms and housing development. Our purchase of easements also helps ensure that open space remains open. Because our preferred alternative targets abandoned and marginal farmlands, acres still being farmed may continue to be farmed. The heavy clay soils of the area often remain too wet to hay or graze until late July or August. That practice aligns perfectly with the mowing restrictions placed on easements by the Service as well as all other lands placed in conservation agreements by other agencies or conservation organizations.

This alternative emphasizes the purchase of easements rather than the purchase of land in fee title as WPAs. At least 80 percent of the property enrolled in this plan will remain in the local tax base. We expect no significant tax loss in Jefferson County, its towns or villages.

The sale of easements to the Service by participating landowners will provide them with additional dollars they may use to pay taxes, or for some other purpose, they deem important. The amount of money a landowner may receive for larger easements could be significant.

This plan avoids the removal of quality farmland. Agriculture, a very important work tradition in the valley, has helped establish a lifestyle many people want to preserve. This alternative focuses on areas outside agricultural districts to keep the highest quality agriculture lands in production.

Outdoor recreation is an important part of this area's economy, particularly in the summer but also during the spring and fall. Protecting the natural resources that draw people to this area will strengthen that part of the economy. Increasing the number of acres open to the public will also strengthen the area's ability to give visitors places to enjoy the open space and wildlife in the area.



WPAs offer a wide variety of opportunities for outdoor recreation, all of which contribute to the local economy, USFWS

Alternative 3

Expanded Acquisition Approach

Under this alternative, the Service would receive the authority to establish permanent easements and WPAs in Jefferson County, New York. The entire acreage of the Service project we propose for Jefferson County is 12,000 acres: 50 percent designated for protection as easements



Wood duck, USFWS

on wetland or grassland and 50 percent bought in fee title for designation as WPAs. Many of the consequences of alternative 3 are similar to those of alternative 2, with the following exceptions.

Physical Environment

Although this alternative will increase the acreage total for WPAs, we do not expect the impacts on the physical environment to be significant. We expect the additional amount of publicly accessible land would disperse public use throughout a number of areas, reducing the potential for over-use. In addition, the disturbance of WPAs will also be significantly less disruptive compared to alternative 1, which has no protection and a potential loss of habitat through sub-dividing, development, or more intensive agricultural practices. Although WPAs will be open for public use, access may be restricted at times due to a determination of incompatibility.

Biological Resources

Alternative 3 would permanently protect the highest number of acres: 12,000. That could result in the establishment of habitat corridors linking state wildlife management areas and other protected lands. Corridors could also be

developed to link inland sites with significant coastal habitat along Lake Ontario and the St. Lawrence River. Buffers around protected lands could also be developed. The enrollment of lands eligible for wetland and grassland restoration and long-term protection can be an important component of the overall effort to ensure that habitat is available for wildlife and provide the greatest benefits to the area's biological resources.

The potential will exist for some disruption of wildlife use because of public access to the WPAs. However, we expect any disruption to be minimal. The Service can take steps to minimize unanticipated disturbances as required.

Waterfowl

Under the *Expanded Acquisition Approach*, benefits for waterfowl will be greater due to the increased number of acres proposed for easements and fee-title acquisition. However, as we stated, we consider these numbers low-end estimates due to the incomplete nesting data available for the St. Lawrence Valley. Considering this alternative's goal of restoring and protecting 12,000 acres of grassland and wetland habitat, we can estimate that those acres, about 48 sq/km, could provide habitat for 143 mallard pairs, with a breeding population of 286 mallards.

This alternative, with its increase in wetland acres, may also lead to the development of larger wetland complexes, ones that could meet the nesting and brood rearing needs of summering waterfowl. Such sites may reduce the need for hens to move their broods, which in turn may result in reduced mortality from predation and other hazards associated with relocation.

Grassland-Nesting Birds

We noted in "Affected Environment" that the 85,000 ha of agricultural grassland habitat in Jefferson County could support 332,000 obligate grassland birds (Lazazzero, S and Norment, C. 2005). Based on the notion that each hectare of grassland could support 3.9 birds, this option, containing 6,000 acres (2428 ha) could provide habitat for 9,469 birds. The greater total of grassland acres available under this option could lead to the protection of additional larger tracts, those approaching 200 acres or more, which benefit

more size-sensitive species such as the upland sandpiper and Henslow's sparrow.

Socioeconomic Resources

This alternative splits protection evenly between permanent easements and WPAs. Fifty percent of the property enrolled in this plan will remain in the local tax base. Fifty percent of the property enrolled in this plan will be WPAs. They will not remain in the tax base.

While this alternative provides the other recreational and environmental benefits described above, our revenue sharing program will offset tax losses. The potential economic benefits of alternative 2 also relate to alternative 3, and could provide similar economic gains for the area.

The higher percentage of land open for public access in this alternative could have a greater economic impact on local businesses. The greater acreage could attract a greater number of people into the area for hunting, bird watching and other permitted activities.

Chapter 5—Coordination/Cooperation

During the planning stage of this proposal, the Service has been in contact with various governmental agencies, conservation organizations, landowners, and interested members of the public as well as elected officials. Through that contact early in the planning process, we identified their concerns.



Partnership is a crucial part of wildlife management, USFWS

This proposal is part of a comprehensive, cooperative protection and management effort involving the participation of many agencies, individuals and organizations, including

Ducks Unlimited

Jefferson County Soil and Water Conservation District

The Service was also in contact with these agencies and organizations during the preparation of our environmental assessment.

Federal

- **New York Federal Congressional Delegation:**
Honorable Hillary Clinton, U.S. Senate
Honorable Charles Schumer, U.S. Senate
Honorable John McHugh, House of Representative
- **U.S. Natural Resources Conservation Services**

State

- **New York State Congressional Delegation:**
Honorable Jim Wright, NY Senate
Honorable Daryl Aubertine, NY Assembly
Honorable Dede Scozzafava, NY Assembly
- **New York Department of Environmental Conservation**
Sandy Lebarron, Regional Director, Region 6

Other

- **Save the River**
- **Jefferson County Farm Bureau**
- **Jefferson County Board of Legislators**
- **Jefferson County Town Supervisors**
- **Adom Town Board**
- **Alexandria Bay Town Board**
- **Clayton Town Board**
- **Philadelphia Town Board**

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The Jefferson County Agriculture and Farmland Protection Board received a matching grant from the New York State Department of Agriculture & Markets which along with County funds.

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Jefferson County Web Page

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Appendix 1

DRAFT

FORM 01

UNITED STATES DEPARTMENT OF INTERIOR
U.S. FISH AND WILDLIFE SERVICE
GRANT OF EASEMENT FOR WILDLIFE HABITAT PROTECTION

THIS INDENTURE, by and between

hereinafter referred to as the Grantors, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative.

WITNESSETH

WHEREAS, the Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718d(c); the Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j; the Emergency Wetland Resources Act of 1986, 16 U.S.C. 3901; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1534 and the Land and Water Conservation Fund Act, 16 U.S.C. 460i-9(a)(1), authorize the Secretary of the Interior to acquire lands or waters or interests therein for the development, advancement, management, conservation and protection of fish and wildlife resources. The purpose of this easement is to provide and protect quality habitat on the lands and wetlands described herein and such lands and wetlands shall be maintained and improved to provide cover and food for a varied array of aquatic, terrestrial, and avian wildlife, particularly migratory birds, and threatened and endangered species, and

WHEREAS, the lands and wetlands described below contain existing or potential habitat suitable for use for wildlife management purposes.

NOW, THEREFORE, for and in consideration of the sum of Dollars (\$), the Grantors hereby grant to the United States, commencing with the acceptance of this Indenture by the Secretary of the Interior or his authorized representative, an easement in perpetuity, which includes a right of use for the maintenance of the lands and wetlands described herein, to wit:

County, State of:

Together with the right of ingress and egress to the above described lands and wetlands on, over, across and through the following described lands, to wit:

Subject, however, to all valid existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, cable lines, and all mineral rights.

The conveyance hereunder shall be effective on the date of the execution of this Indenture by the Secretary of the Interior or his authorized representative; provided, however, that such acceptance must be made within _____ calendar months from the date of the execution of this Indenture by the Grantors, or any subsequent date as may be mutually agreed upon in writing by the parties hereto prior to the expiration of such date; and provided further, however, that in the event that such acceptance is not made by such date, this Indenture shall be null and void.

No rights herein are granted to the general public for access to or entry upon the land subject to this grant of easement for any purpose.

The Grantors, for themselves, and for their heirs, successors, and assigns, lessees, and any other person claiming under them, covenant and agree that they will cooperate in the maintenance and protection of the aforesaid lands and wetlands for the protection

and management of fish and wildlife resources and to maintain the quality of these lands and wetlands to provide cover and food for a varied array of aquatic, terrestrial, and avian wildlife, particularly migratory birds, and threatened and endangered species. To that end and for the purpose of accomplishing the intent on this Indenture, the Grantors, for themselves, and for their heirs, successors, and assigns, lessees, and any other person claiming under them, covenant and agree as follows:

1. Grantors will not perform, cause to be performed or permit haying, mowing or seed harvesting upon the easement area until after July 15 in any calendar year.

2. Grantors will not perform, cause to be performed or permit the following activities upon the easement area: altering of grassland, woodland, wildlife habitat or other natural features by digging, plowing, disking, cutting or otherwise destroying the vegetative cover; dumping refuse, wastes, sewage or other debris; burning; draining, dredging, channeling, filling, leveling, pumping, diking, impounding or related activities; altering or tampering with water control structures or devices; diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means including ditching or the construction of wells; building or placing buildings or structures on the easement area; and producing agricultural crops, unless prior approval in writing is granted by the U.S. Fish and Wildlife Service; except that grazing the aforesaid lands is permitted at anytime throughout the calendar year.

3. Grantors will pay all taxes and assessments, if any, which may be levied against the land.

4. Grantors will be responsible for noxious weed control and emergency control of pests to protect the public good subject to Federal and State Statutes and Regulations. Methods used to control noxious weeds and pests must be approved in writing by the U.S. Fish and Wildlife Service prior to implementation by the Grantors. However, mowing or haying noxious weeds is prohibited until after July 15 in any calendar year in accordance with the easement terms stated above.

5. The United States and its authorized representatives shall have the right to sign, post, mark or otherwise identify the easement area and to maintain said identification.

6. The United States and its authorized representatives shall have the right to restore and/or maintain grasslands and wetlands on the easement area.

It is understood that this easement and the covenants and agreements contained herein shall run with the land and shall be binding on all persons and entities who shall come into ownership or possession of the lands and wetlands subject to this easement. The Grantor, successors and assigns shall notify the Regional Director, U.S. Fish and Wildlife Service in writing of any sale or transfer within 30 days following the sale or transfer of any portion of the lands and wetlands subject to this easement.

It is further understood that the rights and interests granted to the UNITED STATES OF AMERICA herein shall become part of the National Wildlife Refuge System and shall be administered by the United States Fish and Wildlife Service, pursuant to the National Wildlife Refuge Systems Administration Act, 16 U.S.C. 668dd.

SPECIAL PROVISIONS

1. This Indenture shall not be binding upon the UNITED STATES OF AMERICA until accepted on behalf of the United States by the Secretary of the Interior or his authorized representative, although this Indenture is acknowledged by the Grantors to be presently binding upon them and to remain so until the expiration of said period of acceptance, as hereinabove described, by virtue of payment to the Grantors, by the UNITED STATES OF AMERICA, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by Grantors.

2. Notice of acceptance of this Indenture shall be given to the Grantors by certified mail addressed to

and shall be effective upon the date of mailing, and such notice shall be binding upon all Grantors without sending a separate notice to each.

3. It is further mutually agreed that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of incorporation or company.

4. Payment of the consideration shall be made by a United States Treasury check after acceptance of this Indenture by the Secretary of the Interior or his authorized representative and after the Attorney General, or in appropriate cases, the Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals this ____ day of _____, 19

_____(L.S.)

_____(L.S.)

_____(L.S.)

_____(L.S.)

_____(L.S.)

_____(L.S.)

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)ss

On this _____ day of _____, in the year 19_____, before me personally appeared

known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that they (he/she) executed the same of their (his/her) free act and deed.

Notary Public, State of

(SEAL)

My commission expires :

This instrument was drafted by _____, Realty Specialist, U.S. Fish and Wildlife Service, _____.

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States this _____ day of _____, 19_____.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

By:

Senior Realty Officer, Division of Realty
U.S. Fish and Wildlife Service

DRAFT

**UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
CONVEYANCE OF EASEMENT FOR WATERFOWL MANAGEMENT RIGHTS**

THIS INDENTURE, by and between, **husband and wife**, parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, the Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718d(c); the Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j; the Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3901; and the Land and Water Conservation Fund Act, 16 U.S.C. 4601-9(a)(1), authorize the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas:

WHEREAS, the lands described below contain or include small wetland or pothole areas suitable for use as waterfowl production areas:

NOW, THEREFORE, for and in consideration of the sum of), the parties of the first part do hereby convey to the United States, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within **nine** months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a permanent easement (in perpetuity) or right of use for the maintenance of the land described below as a waterfowl production area, including the right of ingress to and egress on, over, across and through any and all lands as described below by authorized representatives of the United States.

The lands covered by this conveyance are those wetland areas, including lakes, ponds, marshes, sloughs, swales, swamps, potholes, and other wholly or partially water-covered areas, now existing or subject to recurrence through natural or man-made causes, delineated on the map(s) attached hereto as Exhibit A and incorporated herein by this reference; provided, always, that the lands covered by this conveyance shall include any enlargements of said wetland areas resulting from normal or abnormal increased water. The lands described on Exhibit A, and the aforementioned right of ingress to and egress extends on, over, across and through any and all lands within the following described legal subdivision(s) in _____ County, State of _____ to-wit:

Subject, however, to all valid existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines, and all mineral rights.

The parties of the first part, for themselves, their heirs, successors and assigns, covenant and agree that they will cooperate in the maintenance of the aforesaid lands as a waterfowl production area by not draining, causing or permitting the draining by construction of ditches, or by any means, direct or indirect, whether through the transfer of appurtenant water rights or otherwise, of any surface waters in or appurtenant to these wetland areas delineated on Exhibit A; by not filling, causing or permitting the filling in with earth or any other material or leveling, causing or permitting the leveling of any part or portion of said delineated wetlands areas; and by not burning, causing or permitting the burning of any wetland vegetation on any part or portion of said delineated wetland areas. It is understood and agreed that this indenture

imposes no other obligations or restrictions upon the parties of the first part and that neither they nor their successors, assigns, lessees, or any other person or party claiming under them shall in any way be restricted from carrying on farming practices such as grazing at any time, hay cutting, plowing, working and cropping wetlands when the same are dry of natural causes, and that they may utilize all of the subject lands in customary manner except for the draining, filling, leveling, and burning provisions mentioned above.

Copies of the above-referenced map(s), being Exhibit A, are on file in the Office of the Regional Director, U.S. Fish and Wildlife Service.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the UNITED STATES OF AMERICA until accepted on behalf of the United States by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon the parties of the first part and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first part, by the UNITED STATES OF AMERICA, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by parties of the first part.

2. Notice of acceptance of this agreement shall be given the parties of the first part by certified mail addressed to _____ at _____, _____ and such notice shall be binding upon all the parties of the first part without sending a separate notice to each.

3. It is further mutually agreed that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of such incorporation or company.

4. Payment of the consideration will be made by a United States Treasury check after acceptance of this indenture by the Secretary of the Interior or his authorized representative and after the Attorney General, or in appropriate cases, the Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seal this _____ day of _____, 20_____.

_____(L.S.) _____(L.S.)

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

On this _____ day of _____, in the year 20_____, before me personally appeared, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

Notary Public

(SEAL)

My Commission Expires

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representatives, has executed this agreement on behalf of the United States this _____ day of _____, 20_____.

THE UNITED STATES OF AMERICA

By:

Title: _____
U.S. Fish and Wildlife Service

This instrument drafted by _____, an employee of the Fish and Wildlife Service, U.S. Department of the Interior, _____.

Appendix 2

* Mallard survey data from 1993 to 2003 for the state of New York was extracted from the Atlantic Flyway Breeding Waterfowl Plot Survey data. This tabular data was joined to the spatial plot data and all plots without corresponding National Wetlands Inventory (NWI) data were removed. The NWI attribute field was truncated down to class level and the NWI shapefile was clipped to the New York waterfowl plots. The clipped NWI data was then intersected with the New York waterfowl plot data. The area of each NWI wetland class present in each waterfowl survey plot was calculated. This data was then used to develop a formula to model average mallard numbers as a function of NWI classes. The resulting R-squared value for the model was 0.3603. The model was as follows:

Predicted Square-Root of Mallards = $0.4959 + (0.0095 * \text{Lacustrine 1}) + (0.0290 * \text{Palustrine Emergent}) + (0.0671 * \text{Palustrine Unconsolidated Bottom}) + (0.0196 * \text{Palustrine Scrub/Shrub}) + (0.0053 * \text{Palustrine Forested}) + (0.0023 * \text{Estuarine}) + (0.0202 * \text{Riverine})$

